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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND CHAPTER 18, ARTICLE 6, PERMITS FOR ENCROACHMENT, OF THE GREENVILLE COUNTY CODE; TO REPEAL ORDINANCES AND POLICIES THAT ARE INCONSISTENT; AND TO REPEAL ORDINANCE NOS. 3673, 3806, and 3987.**

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Date: \_\_\_\_\_

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## ARTICLE I

### SECTION 18-61 PURPOSE OF THE ENCROACHMENT ORDINANCE

- A. Greenville County is responsible for the maintenance, preservation, safety, integrity, and function of the County rights-of-way. County rights-of-way consist of roads, curbing, sidewalk, storm drainage systems, ditches, and shoulders. Therefore, any work, installations, or disturbances within the County rights-of-way must be authorized and regulated.
- B. Utility facilities and other encroachments are accommodated in the County rights-of-way when such use and occupancy does not interfere with the free and safe flow of traffic, otherwise impair the road or its scenic appearance, and does not conflict with the provisions of Federal, State or Local Laws, or this ordinance.
- C. This ordinance establishes regulations and standards for the location, installation, adjustment, restoration, and maintenance of utilities and other uses of County rights-of-way.
- D. This ordinance applies to public and privately-owned utilities such as electric, water, sewer, gas, communication, oil, chemical, steam, drainage and other uses or facilities to be accommodated, adjusted, or relocated within County rights-of-way. Further, it applies to any and all uses of County rights-of-way and greenways for public, private, or non-County governmental purposes.
- E. Where laws, directives, orders of public authority, or industry codes prescribe a higher degree of protection than provided by this ordinance, the higher degree of protection must prevail.
- F. The South Carolina Department of Transportation (SCDOT), "*Policy for Accommodating Utilities on Highway Rights-of Way*," governs conditions not specifically addressed in this ordinance.

### SECTION 18-62 DEFINITIONS

**APPLICANT** – The permittee or the permittee’s authorized representative, contractor, or sub-contractor responsible for the proposed activity on the permit application.

**APRON** – The paved section of an access or driveway between the edge of the road and the limits of the County rights-of-way.

**BACKFILL** – Replacement of suitable material compacted as specified.

**BOND** – Surety in an amount satisfactory to the Division that may include, but not be limited to a performance bond, or cash.

**BORE** – A trenchless method of installing utility cables, pipes, and conduits with minimal surface disturbance. Also known as horizontal boring, directional boring, missile boring or HDD (Horizontal Directional Drilling).

**CASING** – A protective sleeve surrounding a pipe or conduit.

**CONDUIT** - A pipe or tube for protecting wires or cables.

**CONTRACTOR** – An individual or company specifically licensed and bonded in the State of South Carolina to perform the work described on the encroachment permit.

**COVER** – Vertical distance between top of pipe, conduit, casing, or structure and the grade directly above the installation.

**CULVERT** – Any enclosed structure or pipe conveying stormwater runoff under or adjacent to the road or driveway access.

**DRIVEWAY CONNECTION** – A vehicular access connecting a single developed property (residential or commercial) to a county road.

**DIVISION** – also known as the Engineering Maintenance, Roads and Bridges, or Public Works Department of Greenville County.

**EASEMENT** – A grant, by the property owner of a portion of land, for use by the public, a utility, a corporation, or person for specified purposes. Drainage and utility easements are intended to be reciprocal easements among the property owners and not a dedication to the County.

**EMERGENCY REPAIR** – Work resulting from an unscheduled disruption of essential utilities (water, sewer, electric, and gas).

**ENCROACHMENT** – Any work on, under, or over the public road and accompanying County rights-of-way.

**FLAG LOT** - An interior lot, located behind another lot, which has a narrow strip of land not less than 20 feet in width for its entirety that runs along one side of the front lot to provide access to the public street. A panhandle or pipe stem lot is considered a flag lot.

**GREENWAY** – A designated non-motorized pathway designed for shared-use.

**HANDHOLE** – A recessed structure providing access to underground telecommunication lines.

**LONGITUDINAL INSTALLATION** – A lengthwise utility installation located parallel to the centerline of the road.

**ON-STREET CONTAINER** – Any dumpster, storage pod, or shipping container that cannot be moved under its own power.

**OPEN CUT** – A method of installing or repairing utility lines by means of cutting or disturbing the surface along the length of the installation, including trenching, excavating, direct burial, and plowing.

**PERMITTEE** – The utility company or individual property owner(s) responsible for the work designated in an approved encroachment permit.

**RIGHTS-OF-WAY** – A designated portion of property acquired for or devoted to transportation purposes and under control of the Division. County rights-of-way consist of roads, curbing, sidewalk, storm drainage systems, ditches, and shoulders

**ROAD CONNECTION** – A public or private road for vehicular access connecting a subdivision or commercial development to a county road.

**SERVICE LINE** – Any utility installed for the purpose of providing service to an individual property.

**SHARED ACCESS** – A single connection to the road providing vehicular access to more than one piece of property.

**SUBCONTRACTOR** – an independent contractor contracting with the contractor to do part of the work which the contractor has previously agreed to perform.

**UTILITY PIPELINES** – Enclosed linear systems used to transport water, sewer, gas, and other utilities.

## **SECTION 18-63 REQUIREMENTS OF AN ENCROACHMENT PERMIT**

### **A. General**

1. An encroachment permit is required for any disturbance within the County rights-of-way. This includes, but is not limited to, the installation or modification of driveway or road connections, utilities, storm water systems, excavations, special events, on-street containers, commercial photography, and commercial filming.
2. Requests to perform work within the County rights-of-way must be made in compliance with this ordinance.
3. Greenways are considered roads for the purpose of encroachment permitting.
4. The Applicant is responsible for locating existing utilities within the encroachment area prior to any surface disturbance. Location requests must be submitted to SC-811.
5. The Applicant is responsible for the monitoring, maintenance, and liability of temporary surfaces. See Section 18-73 for full restoration requirements.
6. The Division does not permit work outside County rights-of-way.
7. The Division is not responsible for any damages to utilities in the future as a result of improper installation. Any repair or restoration must be at the Applicant or utility owner's expense.
8. The Applicant is responsible for related engineering and construction costs incurred by the Division.
9. Working within County rights-of-way without an encroachment permit is a violation of this ordinance. Violators must submit permit application to the Division.
10. Applicants working with an expired permit will be penalized in the same manner as working without a permit.

## **B. Conditions of Encroachment**

1. The Applicant must provide a detailed drawing with the application. This should only include work within County rights-of-way. When applicable, the drawing must include the work location with reference to the nearest intersections, permanent landmarks, street address of property served by the installed utility, along with the type, size, depth, and lengths of pipes, cables, conduits, and other utility items.
2. The Division reserves the right to require additional protection of the County's rights-of-way and the public.
3. The Division may require any installations be removed at the Applicant's expense for any malfunctions, violations, or changes to the rights-of-way.
4. The Division may cancel the permit if the Applicant fails to comply with the terms and conditions in this ordinance.

## **C. Installation & Design**

1. The Applicant is responsible for the design and installation of encroachments within the County rights-of-way which must comply with appropriate Federal, State, and local standards.
2. The Division is responsible for review and approval of the application with respect to the location, construction materials, procedures, and the manner of installation.
3. Federal manuals and standards include, but are not limited to:
  - *Manual for Uniform Traffic Control Devices (MUTCD)*
  - *American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide*
  - *AASHTO Guide for the Development of Bicycle Facilities*
  - *Occupational Health and Safety Administration (OSHA)*
4. State manuals and standards include, but are not limited to:
  - *South Carolina Department of Transportation (SCDOT) Standard Specifications, Policies, Procedures and Manuals for Highway Use and Construction*
  - *SCDOT Access and Roadside Management Standards (ARMS) Manual*
5. Local manuals and standards include, but are not limited to:
  - *Greenville County Land Development Regulations (LDR)*
  - *Greenville County Stormwater Management Design Manual*
  - All related Greenville County Ordinances
  - Requirements of the Planning Commission
  - Requirements of the Building Standards Department

- Requirements of the Engineering and Maintenance Division
  - Requirements of the Land Development Division
  - Requirements of the Soil & Water Conservation District
  - Any other applicable ordinances or portions of standards applicable to the size, type, and location of the encroachment being made.
6. Any mention of manuals or documents in this ordinance refers to the most recent edition or its adopted replacement.

#### **D. Safety and Convenience**

1. Excavations in the pavement or shoulder must be properly barricaded, covered, and marked at all times.
2. When left unattended for any amount of time, open cuts must be covered with a minimum  $\frac{3}{4}$  inch thick steel plate or backfilled flush with the surface using gravel.
  - Steel plates must be secured to avoid movement.
  - Applicant is responsible for monitoring the plate to ensure the trench remains covered and the plate has not moved.
3. The Applicant must provide proper warnings and signs for equipment, steel plates, trenches, or other obstructions within the County rights-of-way.
4. Parking equipment or stockpiling materials within the County rights-of-way is prohibited during non-working hours.
5. Lane closures, road closures, and detours must comply with the Manual on Uniform Traffic Control Devices (MUTCD).
6. Road closures are prohibited, except in emergencies. A detour plan must be submitted for any road closure.
7. A lane closure plan may be required on high-volume roads as identified by the County Engineer, or their designated representative. Overnight lane closures are prohibited, except in emergencies.
8. The County Engineer, or their designated representative, may require the Applicant to publicize lane or road closures (via signage or media) at least 10 days prior to any road closure.
9. The Applicant is responsible for using trained and qualified flaggers and ensuring adherence to the SCDOT Flaggers Handbook.
10. The Applicant is responsible for only using traffic control devices listed in the SCDOT Qualified Products Lists.
11. The Applicant must notify the Greenville County School District, Greenville County emergency services, including EMS, the Sheriff's Office, and the appropriate fire district of any lane or road closures.

12. Greenville County reserves the right to limit work interfering with traffic operations during peak hours, except in an emergency. Work must be planned to minimize the closure of intersecting streets, roads, approaches, or other access points.
13. Encroachments, including shoulder cuts and bores, must be placed as far away from guardrail facilities as possible. When guardrail impacts are unavoidable due to roadway geometry or other factors, all impacted guardrail components must be repaired by a current SCDOT Prequalified Contractor with guardrail listed as work experience and must be repaired according to current SCDOT standards. The Applicant understands that work beyond the limits of the encroachment disturbance may be necessary to properly repair the impacted guardrail facilities.

**E. Permit Duration**

1. Encroachment permits are valid for 1 year from the approval date. A new application must be submitted after 1 year as permits will not be extended.

**F. Unexpected Conditions**

1. Emergency Repairs

- An emergency repair is work resulting from an unscheduled disruption of essential utilities (water, sewer, electric, and gas).
- The Applicant must notify the Division of an emergency repair within 24 hours and must submit an encroachment permit within 5 business days.
- Planned, coordinated, or scheduled repairs are not considered emergency repairs.

2. Unanticipated Work within County Rights-of-Way

- If ongoing work that was not anticipated to encroach into the rights-of-way must encroach into the rights-of-way, the Applicant must immediately notify the Division prior to any work in the rights-of-way for instructions regarding permit application submittal.
- If ongoing work as part of an approved encroachment permit requires a change in the scope of work or results in unexpected damage, the Applicant must immediately notify the Division prior to the continuation of work for instructions regarding permit revision.
- Unapproved revisions may be penalized in the same manner as working without a permit.

**G. Exemptions**

1. An Encroachment Permit is not required for the following conditions:

- The maintenance of existing utilities, manholes, conduits, pipes, and other utility facilities when surface or subsurface disturbance is not required.
- The adjustment of manhole covers, valves, inlets, and other protective coverings within pavements when required by the Division to accommodate pavement resurfacing and repairs.
- The installation of shrubs or other natural vegetation, not to exceed a height of 2½ feet. The County is not responsible for damage or replacement of any vegetation within the County rights-of-way and it can be removed at any time for any reason.
- The installation or maintenance of aerial utility lines on existing utility poles when surface or subsurface disturbance is not required.
- The installation, repair, or replacement of existing equipment attached to existing utility poles when surface or subsurface disturbance is not required.
- The installation of standard mailboxes. The United States Postal Service / Post Master regulates mailbox installations.

#### **H. Prohibitions**

1. The following encroachments are prohibited within the County rights-of-way:
  - Sprinkler and irrigation systems. Systems must not cast water on the pavement and shall not allow standing water or excessive runoff on the pavement or shoulders.
  - Rigid structures, including, but not limited to, retaining walls, fences, columns, gates, bollards, boulders, basketball goals, and flag poles.
  - Non-standard mailboxes on rigid stands such as brick, masonry, stone, or any other material considered hazardous to the motoring public.
  - Monument signs must be outside of the County rights-of-way and be in accordance with the County sign ordinance and all other applicable County ordinances.
  - Trees of any size or species.

#### **I. Permit Fees**

1. Encroachment Permits require a fee set to recover the County's expense in providing the permitting service. These fees shall be reviewed and adjusted per the County's Revenue Policies.
2. The base permit application fees are found on the County's website.

3. Road cuts made on newly resurfaced roads will incur an additional fee based on the most recent resurfacing or pavement treatment date. These fees are found on the County’s website.
4. Encroachment Permits will not be issued until the Applicant has paid applicable fees and met bonding requirements.

**J. Bonding or Financial Guarantee Requirements**

1. Bonds must provide a minimum 2 years of coverage. Continuous bonds can be released and returned upon request to the bonded Applicant if no active permits are on file and the work remains in an acceptable condition or is satisfactorily corrected 1 year after completion.
2. The Division may increase the bond amount based on prior poor performance.
3. Bond requirements are below:

ENCROACHMENT TYPE	BONDING REQUIREMENT
On Street Containers	<i>None</i>
Community Events	
Film & Photography	
Driveway Connection (no curb & gutter)	
Driveway Connection (with curb & gutter)	<i>\$5,000 per 5 active permits</i>
Road Connection	
Utility Pipelines (including Service Connections)	
Electrical Communication Lines	
Small Wireless Facilities	
Stormwater Pipes, Culverts, Ditches	

**K. Insurance**

1. The Applicant is liable for any property damage claims or bonding requirements. The County shall not be liable for any property damage or bonding requirements.
2. Licensed contractors must maintain a minimum \$2,000,000 of public liability and property damage insurance for the duration of the permit.
3. Property owners and utility companies are not required to submit a Certificate of Liability Insurance.

**L. Licensing Requirements**

1. Contractors and subcontractors must be licensed in the State of South Carolina and have the applicable specialty classifications for the permitted

work per South Carolina Department of Labor, Licensing, and Regulation (SC LLR) requirements.

2. Licensed contractors are not required for encroachments in the shoulder within the Applicant's road frontage when the pavement, (including under the pavement), curbing, and sidewalk is not disturbed. The County Engineer, or their designated representative, may require a licensed contractor if the integrity of the County rights-of-way may be compromised. This does not negate any licensing requirements by other entities.
3. Utilities and service districts must be qualified in the area of work they are performing.

**M. Liability for Personal Injury and Property Damage**

1. The Applicant is responsible for the safety and protection of the premises, employees, and other persons. The Applicant assumes liability for any injury or damage occurring on account of the performance of work under this encroachment permit. Such liability of the Applicant under an encroachment permit is absolute and is not dependent upon any question of negligence on its part or on the part of its agents, servants or employees. Neither the approval by the County of the methods of doing the work, nor the failure of the County to call attention to improper or inadequate methods or require a change in methods, will excuse the Applicant in case of any injury to persons or any damage to property.

**N. Indemnity Against Liability**

1. The Applicant must indemnify Greenville County, its agents, officials and employees, against injuries, deaths, loss, damages, claims, patent claims, suits, liabilities, judgments, costs and expenses, that may in any way accrue against Greenville County by granting an encroachment permit or may, in any way, result from such grant, whether or not it shall be alleged or determined the act was caused through negligence or omission of the Applicant or the Applicant's employees, subcontractor or subcontractor's employees, if any. The Applicant shall, at the Applicant's own expense, appear, defend and pay charges of attorneys and costs and other expenses arising from or incurred in connection with the activity. If any judgment shall be rendered against Greenville County in any such action, the Applicant shall, at the Applicant's own expense, satisfy and discharge the judgment. The Applicant expressly understands and agrees that any performance bond or insurance protection required by this permit shall in no way limit the responsibility of the Applicant to indemnify, hold harmless, and defend Greenville County as here provided. The Applicant shall procure and maintain, at the Applicant's own cost and expense, any additional kinds and amounts of insurance, which, in the Applicant's own judgment, may be necessary to properly protect the interest of the permitted work. The Applicant agrees to indemnify and hold the

County harmless for any damage to persons or property, which may arise during the progress of or by reason of the work performed.

**O. Penalties**

1. Each incident is subject to the below penalties, SC LLR notification, and/or refusal of future permits.

VIOLATION	PENALTIES				
	Resident	Contractor	Utility	Cooperative Agreement Participant	On-Street Container
1st Offense	\$500	\$500	\$500	\$500 per violation and up to termination from the Cooperative Agreement	\$500 plus \$100 per day per non-complying container
2nd Offense	\$1,000	\$1,000	\$1000		
3rd Offense	\$5000 Bond for future permits	Blacklisted for 1 calendar yr	Blacklisted for 1 calendar yr		

2. Violators cannot resume work until fees and fines have been paid and a permit has been issued. Each day in violation shall constitute a separate offense. Therefore, each day a violation continues, it shall be deemed as a distinct offense such that penalties accumulate daily.
3. Greenville County may also seek injunctive relief or may institute any other appropriate actions in a court of competent jurisdiction to enforce the provisions of this ordinance.

**SECTION 18-64 – DRIVEWAY CONNECTIONS TO A COUNTY ROAD AND DRIVEWAY PIPES**

**A. General**

1. A Driveway Connection is a vehicular access connecting a single developed property (residential or commercial) to a county road.
2. New residential building permits allow for one driveway connection as part of the building permit. Installation of the included driveway connection must adhere to the requirements in Section 18-64(B). An encroachment permit is required for additional driveway connections not covered under the residential building permit.
3. Reinforced concrete pipe (RCP), corrugated metal pipe (CMP), and polypropylene pipe (PP) are permitted under commercial and residential

driveways. High density polyethylene pipe (HDPE) is only permitted under residential driveways.

4. Stormwater culverts must be installed per the manufacturer's specifications.
5. Driveway radii must not extend in front of adjacent properties within the rights-of way.

#### **B. Standards**

1. Driveway connections must be a minimum of 40 feet from an intersection. Distance is measured from the nearest pavement edges.
2. Residential driveway connections must conform to the Greenville County Design Specifications. Commercial driveway connections must conform to the SCDOT ARMS Manual.
3. The County Engineer, or their designated representative, may require shared access for multiple lots.
4. Two or three adjacent flag lots must share a single driveway connection within the County rights-of-way. The shared driveway connection must be between 20 and 24 feet wide. When a shared driveway connection is needed for more than three flag lots, the minimum allowances for road connections apply.
5. The culvert length for single flag lots must not exceed 16 feet.
6. Shared driveway connections may split once beyond the County rights-of-way.
7. Concrete aprons within the County rights-of-way are only allowed on curbed roads. The Division does not maintain concrete aprons within the County rights-of-way.
8. A commercial driveway connection to a residential road is prohibited.
  - The County Engineer, or their designated representative, may grant an exception if this is the only practical access.
  - Road and rights-of-way improvements may be required.

### **SECTION 18-65 – ROAD CONNECTIONS TO A COUNTY ROAD**

#### **A. General**

1. A Road Connection is a public or private road for vehicular access connecting a residential or commercial development to a county road.
2. A traffic impact study may be required per the County's Land Development Regulations (LDR).

3. Road connections must conform to the SCDOT ARMS Manual, SCDOT Standard Drawings and Specifications, and the Greenville County Land Development Regulations (LDR).
4. Only reinforced concrete pipe (RCP), corrugated metal pipe (CMP) and double wall polypropylene pipe (PP) are allowed under roads connections.

## **SECTION 18-66 – UTILITY PIPELINES**

### **A. General**

1. Utility Pipelines are enclosed linear systems used to transport water, sewer, gas, and other utility services.
2. Only main pipelines (trunk lines) may occupy County rights-of-way longitudinally.
3. Service lines and utility main lines may occupy County rights-of-way perpendicularly.
4. The relocation or removal of any utility encroachment for any reason must be at the expense of the utility owner and must conform to the Division's timeline.
5. When a main pipeline is to be extended, Applicant must provide a letter of future ownership and maintenance from the utility owner when a main pipe is extended.

### **B. Installation**

1. Utility pipelines may be installed or relocated to accommodate planned road improvements and will be located in such a manner as to allow servicing of utility pipelines without interference to the traveling public.
2. Utility pipeline crossings must be perpendicular to the road alignment when feasible.
3. Manholes/water valves and similar coverings or devices used for servicing or marking locations of utilities must be flush with the surrounding pavement.
4. Installation of manholes within vehicle wheel paths, bike lanes, curb, gutter, ditch line, or sidewalk is prohibited.
5. Manholes shall not be installed within the pavement of roads classified as arterial, collector, or higher unless no other reasonable alternative exists.
6. Installation of handholes within roads, bike lanes, curb, gutter, ditch line, or sidewalk is prohibited.
7. Installation of valves within any bike lane, curb, gutter, ditch line, or sidewalk is prohibited.

8. Utility pipelines must not be installed within, through, or across the ends of any stormwater culvert or structure. Utility pipelines placed in culverts or structures must be removed at the utility owner's expense. The effective capacity of any stormwater structure must not be impeded by utility lines or other encroachments.
9. The installation of above ground structures, valves, and handholes within any defined drainage pathway or easement is prohibited.
10. Any pipeline carrying hazardous materials must conform to the rules and regulations of the U.S. Department of Transportation governing the transportation of such materials. The discharge of any noxious matter into any stormwater drainage system is prohibited.
11. Main pipelines must be installed parallel to the pavement edge when possible.
12. Main pipelines must be installed in the shoulder where possible. The nearest edge of any open cut trench must be at least 2 feet beyond the toe of slope, ditch, sidewalk, or curb line when possible.
13. When main pipelines must be installed under the pavement, the edge of the trench must be no closer than 1 foot to the edge of the pavement.
14. Utility service pipelines may not extend in front of adjacent property within the rights-of way. Service lines must remain within the road frontage of the property they serve.
15. Pipelines must have a minimum 24 inches of cover for the entire length of installation.
16. Material removed from the trench must not be placed within 2 feet of the pavement edge or in a road ditch.
17. The County reserves the right to require any utility pipeline crossings and connections to be bored to preserve the integrity of the existing pavement, to prevent the disruption to traffic and/or to protect pedestrians. When trenching is required, restoration must be in accordance with the applicable Greenville County Design Specifications.
18. Bore pits must be at least 3 feet from the edge of the pavement.
19. Borings adjacent to a bridge must be a minimum of 25 feet from any part of the bridge structure.
20. Trenches in County rights-of-way must adhere to OSHA requirements.
21. Trenches adjacent to a bridge must be a minimum of 4 feet from any part of the bridge structure. Reduction of the waterway cross-sectional area is prohibited.

### **C. Backfilling**

1. Backfill material must be free from particles larger than 6 inches, cinders, ashes, refuse, vegetative and other organic material. The backfill material must be deposited in the trench and compacted in lifts of no more than 6 inches, for the full width.
2. Contractor must achieve 95% compaction (Standard Proctor) for the entire length, depth, and width of the installation.
3. Open cut trenches over 500 feet may be backfilled with #57 stone.
4. Compaction reports from a 3rd party geotechnical firm must be provided when backfilling with other select materials per SCDOT Standard Specifications.
5. Flowable fill (CLSM) and other cementitious backfill material is prohibited.
6. Backfilling during freezing or wet weather is prohibited.

### **D. Blasting**

1. Blasting is permitted only upon approval by the County Engineer, or their designated representative.
2. The Applicant must ensure adequate protection of the road and public.

### **E. Utilities Adjacent, or Attached, to Bridges**

1. Attaching utilities to bridges is permitted only upon approval by the County Engineer, or their designated representative.
2. The structure must be able to support the additional load. Applicant must provide supporting evidence from a licensed structural engineer.
3. Utilities may only be attached to the downstream side of a bridge over water and must not hang below the lowest elevation of the structure.
4. Installation hardware must be padded, coated, or otherwise treated to muffle and reduce vibrations.
5. When applying to install utilities on an existing bridge, the application must include the weight per lineal foot of each line and details of the proposed method of attachment.
  - Welding to main steel members or anchoring to the concrete deck, parapet, or sidewalk is prohibited.
6. The placement of utilities on new and proposed bridges may be approved only in accordance with the following:
  - The Applicant is responsible for obtaining any desired information regarding the Division's proposed construction schedule.

- The Applicant must submit complete plans and specifications of their proposed installation, including the weight per lineal foot and detailed drawings prior to the Division's completion of plans and specifications for the proposed structure.
7. Above ground, dedicated pipeline crossings are prohibited within County rights-of-way.
  8. The following attachments to bridges are prohibited:
    - Pipelines carrying a combustible material
    - Electrical or communication lines
    - Installations inhibiting access to any part of the structure for maintenance

## **SECTION 18-67 – ELECTRIC AND COMMUNICATION LINES APART FROM SMALL WIRELESS FACILITIES**

### **A. General**

1. Electrical and communication lines and structures must be installed per the National Electrical Safety Code and any other industry standards or requirements.
2. Communication lines may consist of coaxial cable, phone lines, internet line, and fiber optic.

### **B. Standards**

1. Overhead and Above Ground
  - Longitudinal installations are limited to single pole construction. Joint-use is highly encouraged at locations where more than one utility or type of facility is installed.
  - Structures must not be installed within a road median.
  - Poles, other structures, and related facilities must be located at the back of the County rights-of-way or no closer than 10 feet to the edge of pavement, whichever is greater.
  - Within subdivisions, structure height must not exceed the height of existing street lights or utility poles. Otherwise, above ground heights must not exceed 45 feet.
  - Guy wires and stub poles must not be placed between a pole and the edge of pavement nor block any sidewalk. They must meet any ADA requirements.

## 2. Underground

- Regulations previously outlined for pipelines in Section 18-66 also apply to underground electrical and communication installations, except as indicated below.
- Conduit crossing under the road must extend 3 feet or more beyond the edge of pavement.
- Longitudinal installations of buried cable along the edge of pavement may be completed via bore or open cut methods and will maintain a minimum offset of 3 feet from the edge of pavement where the width of the shoulder permits.

## **SECTION 18-68 – SMALL WIRELESS FACILITIES**

### **A. General**

1. Small wireless facilities in the County rights-of-way should be installed and maintained in accordance with the Small Wireless Facilities Deployment Act, SC Code Ann. § 58-11-800, *et seq.*

## **SECTION 18-69 – STORM DRAINAGE SYSTEMS**

### **A. General**

1. An encroachment permit is required for the installation or modification of stormwater infrastructure within the County rights-of-way, such as culverts, catch basins, inlets, pipes, and ditches.
2. Driveway culverts are covered in Section 18-64.
3. A stormwater report and calculations must be submitted with the encroachment permit application when changing stormwater runoff characteristics.
4. Blocking or hindering the flow of stormwater runoff is prohibited within the County rights-of-way.

### **B. Standards**

1. Pipes must have a minimum 15-inch diameter.
2. Culvert and pipe diameter must be the same or larger than the nearest upstream pipe.
3. When piping an existing roadside ditch, a catch basin or inlet must be installed at the downstream end of the piped section if tying into an existing downstream pipe. Alternatively, the pipe section must terminate at least 5 feet before the nearest downstream pipe. A swale must be graded along and above the piped section to convey ground water into the system.

4. When installing more than 250 linear feet of pipe within a ditch, catch basins or inlets must be spaced no more than 200 linear feet apart and equidistant to each another when feasible.
5. Stormwater culverts must be installed per the manufacturer's specifications.
6. Stormwater crosslines must be designed in accordance with the Greenville County Stormwater Management Design Manual.
7. Reinforced concrete pipe (RCP), corrugated metal pipe (CMP), and polypropylene pipe (PP) are allowed anywhere within the County rights-of-way. High density polyethylene (HDPE) pipe is permitted only under residential driveways.
8. A concrete collar or other approved connection must be used to secure and seal the connection of pipes of different materials.

## **SECTION 18-70 – ON-STREET CONTAINERS**

### **A. General**

1. An on-street container permit is required for any container placed in the County rights-of-way.

### **B. Standards**

1. The Applicant and the container provider must provide a 24-hour contact phone number.
2. Container placement must not exceed 30 consecutive days.
3. Containers must be removed upon completion of work or if work ceases for more than 2 weeks.
4. Applicant must keep area around dumpster clean and clear and must ensure the area is clean after the container is removed.
5. The Division may require removal or relocation of container due to safety hazards, special events, or nuisance. If the dumpster is not removed within the provided time frame the County will remove and confiscate the container. Expenses to confiscate the container must be reimbursed prior to release of the container to its owner.
6. The Applicant must protect the pavement through proper measures, including but not limited to planking or shims.
7. Chocks must be used to prevent the container from rolling, sliding, or tilting.
8. Containers must not be placed on streets with a speed limit over 25 mph.
9. A minimum of 12 feet of usable street width must be maintained.
10. Containers must not be placed within 15 feet of a fire hydrant.
11. Containers must not be placed within 30 feet of a street intersection.

12. The container must be delineated for daytime and nighttime visibility with the use of reflectors, reflective tape, beacons, traffic cones, barricades, or other appropriate markings.
13. Containers must not block driveways, including driveways on the opposite side of the road.
14. Container must not block sidewalks or any other pedestrian access.
15. The Applicant is liable for any personal injury or property damage as a result of container placement.

## **SECTION 18-71 – ROAD CLOSURES FOR COMMUNITY EVENTS**

### **A. General**

1. A community event permit is required for any event where a road closure is requested.
2. Preemptive signage and Type I or II barricades are required for road closures on each side of the event.
3. The County Engineer, or their designated representative, may require additional signage on adjoining streets.
4. The event must be open to the public. Road closures for private events are prohibited.
5. Road closures for events on streets with a speed limit over 25 mph are prohibited.
6. The community event permit must be submitted a minimum of 7 days prior to the start of the event.
7. The Applicant must notify residents effected by the road closure a minimum of 3 days prior to the start of the event.
8. The Applicant must ensure the surrounding area is free of debris and litter as a result of the event. Failure to comply may result in the withholding of future community event permits and/or fines for littering.

## **SECTION 18-72 – FILM AND PHOTOGRAPHY**

### **A. General**

1. A filming and photography permit is required for any professional photography or filming activity (including set-up and break-down) within the County's rights-of-way.
2. Any professional filming or photography within a County park or the Swamp Rabbit Trail requires approval from Greenville County Recreation.

## **B. Commercial Photo Shoots**

1. A photo shoot consists of a professional photographer, staff, model, and/or product.
2. Roads and sidewalks cannot be closed or blocked for a photo shoot.
3. The photo shoot must not last more than 2 hours and can occur any day of the week.
4. The Applicant cannot restrict public access, however signs asking the public not to interfere with the photo shoot may be used.

## **C. Commercial Filming Activity**

1. Filming activity consists of a professional filming company, staff, product, model, or reenactment.
2. A detour plan must be submitted for any road closures. The Applicant is responsible for safety and traffic control.
3. The application must be received no later than 7 working days prior to the start of the filming activity.

## **D. Insurance Requirements**

1. The Applicant must submit a "Certificate of Insurance" in the amount of at least \$600,000 of General Liability coverage and name Greenville County as an additional insured for the dates of the activity.

# **SECTION 18-73 – PRESERVATION AND RESTORATION**

## **A. General**

1. Work and restoration must be done in accordance with the provisions of the approved permit. Restoration of disturbances as a result of the encroachment activity must be done at the Applicant's expense.
2. The Division requires the restoration of pavement, shoulders, traffic control devices, infrastructure, and other facilities within its rights-of-way impacted by encroachment activities. Prior to any restorations, the Applicant must backfill trenches and excavations according to Section 18-66(C).
3. The Applicant must minimize the amount of vegetation disturbance. If the root systems of trees within the right-of-way are substantially damaged by the Applicant's activities, the tree(s) must be removed by the Applicant.
4. The Applicant must adhere to applicable Best Management Practices (BMPs) and erosion control measures as referenced in the Greenville County LDR and Stormwater Design Manual to prevent unnecessary erosion.
5. If a road is improved before permitted work is completed, the Applicant will be subject to increased fees and increased restoration requirements.

## **B. Standards**

1. The Applicant must restore pavement markings in accordance with SCDOT standard specification and SCDOT Standard Drawings. Pavement markings must be restored with thermoplastic material.
2. New pavement must be installed to provide proper road drainage, allowing water to flow towards the edge of pavement. The cross slope of the pavement restoration must match the existing cross slope. When performing full width restoration, the cross slope must be 2%. Existing drainage structures and characteristics must be considered when planning for pavement restorations.

## **C. Pavement Cuts**

1. All pavement cuts must be repaired and restored per the Pavement Repair Design Specifications on the County's website. The County Engineer or their designated representative may require additional restoration dependent on the current Pavement Condition Index (PCI) of the road.
2. Restoration must comply with the provisions of this section. If any restoration issues must be corrected, the Applicant has 5 business days to respond with a proposed resolution and timeline. If not corrected, the Division may perform the restoration at the Applicant's expense, in addition to any other penalties described in this ordinance.
3. Asphalt patches must be completed within 30 days of backfilling.
4. Full or half-width pavement restoration must be completed before the permit expiration date.

# **SECTION 18-74 – COOPERATIVE AGREEMENT**

## **A. General**

1. Public utilities and service districts have the option of participating in a Cooperative Agreement. Participants must abide by certain requirements to receive various financial and logistical benefits.
2. Participating in a Cooperative Agreement does not relieve a Participant from obtaining permits and complying with the provisions of this ordinance.

## **B. Requirements**

1. Participants must annually review and renew the Cooperative Agreement and provide at least two current points of contact. If either or both of these contacts change between renewals, the Participants must inform the Division.
2. The Participants must verify each contractor/sub-contractor has obtained an encroachment permit or letter of intent from the County before a permit or authorization is issued from the Participant for any work to be done on their system.

3. Participants must assist the Division in the enforcement of the Encroachment Ordinance by providing notice to the Division of any suspected or known unauthorized activity related to the Participant's infrastructure.
4. Participants must notify the Division of emergency repairs with 24 hours and submit an encroachment permit within 5 business days of the repair.
5. Participants must attend quarterly Project Coordination Meeting for the purpose of coordinating with other Participants and the Division.

**C. Incentives**

1. Benefits of participating in the Cooperative Agreement include:
  - Exemption from individual permit bond submittals.
  - Opportunity to coordinate future utility and transportation projects with other Cooperative Agreement Participants via the Project Coordination Meeting.
  - Exemption from new road cut fees and future maintenance of disturbed pavement when resurfacing the entire road width and 20 feet beyond the disturbed area. See Greenville County Design Specifications 1-1 through 1-9.
  - Reduced permit fees. Permit fees will be invoiced annually per the current Cooperative Agreement fee schedule.

**D. Non-Compliance**

1. Participants working within the County rights-of-way without an encroachment permit or with an expired permit will be considered non-compliant. Non-compliant Participants will be fined per violation. Each day of non-compliance shall constitute a separate violation. Therefore, each day a violation continues, it shall be deemed as a distinct offense such that penalties accumulate daily.

**E. Revocation**

1. The Cooperative Agreement may be revoked for a minimum of one year for non-compliance.
2. Upon revocation, permits will be subject to standard permit fees, road cut fees, and bonds as outlined in Sections 18-63(I) and 18-63(J).

**ARTICLE II**  
**MISCELLANEOUS**

**Repeal**

Ordinance Numbers 3673, 3806, and 3987 are hereby repealed. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

**Severability**

Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

**Effective Date**

This Ordinance shall take effect on the date of its adoption.

**DONE IN REGULAR MEETING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026.**

\_\_\_\_\_  
Benton Blount, Chairman  
Greenville County Council

**ATTEST:**

\_\_\_\_\_  
Regina McCaskill  
Clerk to Council

\_\_\_\_\_  
Joseph M. Kernell  
County Administrator